IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 241 of 2006 (S/B)

Anand Singh Yersong s/o Sri Uttam Singh Yersong,
R/o Village Sirdang, P.O. Sirkha,
Patti-Chaudas, Tehsil Dharchula
District Pithoragrh (UA)
Presently posted as Deputy Commandant,
9th Battalion Indo-Tibetan Border Police Force,
Lohitpur, Arunanchal Pradesh …… Petitioner

Versus

1. Union of India through Secretary
   Ministry of Home Affairs, New Delhi.
2. Director General Indo-Tibetan Border Police Force,
   C.G.O. Complex, Block II Lodhi road,
   New Delhi – 110003.
3. Director, Medical Indo-Tibetan Border Police Force,
   R.K.Puram, New Delhi …….. Respondents

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Sri Bipin Mohan Pingal, Advocate for the petitioner.
Sri Arvind Vashistha, Assistant Solicitor General for the respondents.

JUDGMENT

CORAM: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Bipin Mohan Pingal, Advocate for the petitioner.

Sri Arvind Vashistha, Assistant Solicitor General for the respondents.

2. Sri Arvind Vashistha, the learned Assistant Solicitor General, has raised a preliminary objection about the maintainability of the writ petition in the High Court of Uttarakhand on the ground that the petitioner at the relevant time was posted in the State of Arunanchal Pradesh and the impugned orders were passed by the respondents at Delhi and as such, the High Court of Uttarakhand has no jurisdiction to entertain and decide the writ petition.

3. Sri B.M. Pingal, the learned counsel for the petitioner, in view of the above preliminary objection, seeks permission to withdraw the writ petition with the liberty of filing another writ petition before an appropriate Court having jurisdiction in the matter.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. Consequently, CLMA No. 9489 of 2006 also stands disposed of.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C.J.)**
10.10.2007 10.10.2007

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